

§ 915.155

are handled subject to the provisions of §§ 915.41, 915.51, and 915.54, or exemptions therefrom pursuant to § 915.53. Such report shall be on forms prescribed by the committee and shall include: (1) The quantity; (2) purpose for which removed; (3) date of removal; and (4) the name of the person or firm to which the avocados were delivered or consigned. Each such report shall be signed by the handler or his authorized representative, shall cover the period Sunday through Saturday, and shall be placed in the mail not later than one week after the close of business of the Saturday ending the period covered by the report.

(c) Each handler shall render a report to the Avocado Administrative Committee of each lot of noncertified avocados received from a district other than that in which his handling facilities are located. Such report shall be on forms prescribed by the committee and shall include: (1) The name of the handler; (2) the quantity of avocados received; (3) date received; (4) name and address of the person from whom the avocados were purchased; (5) the district from which the avocados were transferred; and (6) the district to which the avocados were transferred. Each such report shall cover the period Sunday through Saturday and shall be placed in the mail not later than one week after the close of business of the Saturday ending the period covered by the report.

(d) Each handler shall, at the end of the day's operation, report to the committee the number of containers of avocados sold and delivered in the State of Florida in the following containers: (1) $\frac{1}{4}$ Bushel, (2) $\frac{1}{2}$ Bushel, and (3) $\frac{4}{5}$ Bushel. Upon request by the committee, such reports shall be confirmed in writing on a weekly basis on a form prescribed by the committee.

[21 FR 6695, Sept. 6, 1956, as amended at 21 FR 7368, Sept. 27, 1956. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 53 FR 1743, Jan. 22, 1988]

EFFECTIVE DATE NOTE: At 61 FR 17552, Apr. 22, 1996, in § 915.150, paragraph (d) was suspended indefinitely.

§ 915.155 Delinquent assessments.

Each handler shall pay interest of one percent per month on any unpaid

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assessment balance beginning 30 days after date of billing. Such interest charge is to apply to any unpaid assessments which become due the Avocado Administrative Committee after the effective date of this section.

[40 FR 50024, Oct. 28, 1975]

§ 915.160 Public member eligibility requirements and nomination procedures.

(a) Public member and alternate member candidates shall not represent an agricultural interest, and shall not have a financial interest in, or be associated with the production, processing, financing, or marketing of avocados.

(b) Public member and alternate member candidates should be able to devote sufficient time to attend committee activities regularly and to familiarize themselves with the background and economics of the avocado industry.

(c) The public member and alternate member shall be a resident of the production area.

(d) The public member and alternate member should be nominated by the Avocado Administrative Committee, and shall serve a one-year term which coincides with the term of the producer and handler members of the committee.

[44 FR 9370, Feb. 13, 1979]

NOTE: After January 1, 1979, "Budget of Expenses and Rate of Assessment" regulations (e.g. sections .200 through .299) and "Handling" regulations (e.g. sections .310 through .399) which are in effect for a year or less, will not be carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these regulations, see the "List of CFR Sections Affected" in the Finding Aids section of this volume.

Subpart—Container and Pack Regulations

§ 915.305 Florida Avocado Container Regulation 5.

(a) On and after September 12, 1984 no handler shall handle any avocados for the fresh market from the production area to any point outside thereof in containers having a capacity of more than 4 pounds of avocados unless the

containers meet the requirements specified in this section: *Provided*, That the containers authorized in this section shall not be used for handling avocados for commercial processing into products pursuant to §915.55(c).

(1) Containers with inside dimensions of $11 \times 16\frac{3}{4} \times 10$ or $13\frac{1}{2} \times 16\frac{1}{2} \times 9$ or $12\frac{3}{4} \times 15\frac{1}{4} \times 10\frac{3}{4}$ inches: *Provided*, That (i) the net weight of the avocados in such a container shall be not less than 34 pounds, except that for avocados of unnamed varieties, which are avocados that have not been given varietal names, and for Booth 1, Fuchs, and Trapp varieties, such weight shall be not less than 32 pounds; (ii) with respect to each lot of such containers, not to exceed 10 percent, by count, of the individual containers in the lot may fail to meet the applicable specified weight but no container in such lot may contain a net weight of avocados exceeding 2 pounds less than the specified net weight, and (iii) each avocado in such container in a lot shall weigh at least 16 ounces, except that not to exceed 10 percent, by count, of the fruit in the lot may fail to meet such weight requirement but not more than double such tolerance shall be permitted for an individual container in the lot.

(2) Containers with inside dimensions of $16\frac{1}{2} \times 13\frac{1}{2}$ and depth varying from $3\frac{1}{4}$ to 5 inches: *Provided*, That such containers shall only be used for export shipments.

(3) Containers with inside dimensions of $13\frac{1}{2} \times 16\frac{1}{2} \times 3\frac{3}{4}$ inches.

(4) Containers with inside dimensions of $12\frac{3}{4} \times 15\frac{1}{4}$ with depth varying from $3\frac{1}{2}$ to 5 inches.

(5) Containers with inside dimensions of $11\frac{1}{4} \times 16\frac{3}{4}$ and depth varying from $3\frac{7}{8}$ to $4\frac{1}{2}$ inches.

(6) Containers with inside dimensions of $13\frac{1}{2} \times 16\frac{1}{2}$ and depth varying from $6\frac{1}{2}$ to 8 inches.

(7) Containers with inside dimensions of $12\frac{3}{4} \times 15\frac{1}{4}$ and depth varying from $7\frac{1}{2}$ to $8\frac{1}{4}$ inches.

(8) Containers with inside dimensions of $11\frac{1}{4} \times 13\frac{3}{4}$ and depth varying from 7 to $7\frac{1}{2}$ inches.

(9) Such other types and sizes of containers as may be approved by the Avocado Administrative Committee for testing in connection with a research project conducted by or in cooperation

with the said committee: *Provided*, That the handling of each lot of avocados in such test containers shall be subject to the prior approval, and under the supervision, of the Avocado Administrative Committee.

(10) With respect to the containers prescribed in paragraph (a)(2) of this section, all avocados packed in such containers shall be placed in one layer only and the net weight of all avocados in any such container shall not be less than 8.5 pounds: *Provided*, That not to exceed 5 percent, by count, of such containers in any lot may fail to meet such weight requirement.

(11) With respect to the containers prescribed in paragraphs (a)(3) through (a)(9) of this section, all avocados packed in such containers shall be placed in one layer only and the net weight of all avocados in any such container shall be not less than $12\frac{1}{2}$ pounds: *Provided*, That not to exceed 5 percent, by count, of such containers in any lot may fail to meet such weight requirement.

(12) With respect to the containers prescribed in paragraph (a)(10), (a)(11), and (a)(12) of this section, all avocados in such containers shall be placed in two layers and the net weight of the avocados in any such container shall be not less than 25 pounds: *Provided*, That not to exceed 5 percent, by count, of such containers in any lot may fail to meet the applicable net weight requirement: *Provided further*, That the requirement as to placing avocados in two layers only shall not apply to such container if each of the avocados therein weighs 14 ounces or less.

(b) The limitations set forth in paragraph (a) of this section shall not apply to master containers for individual packages of avocados: *Provided*, That the individual packages within such master container are of a capacity not exceeding four pounds and the markings or labels, if any, on such packages do not conflict with the markings or labels on the master container.

[47 FR 22074, May 21, 1982, as amended at 47 FR 29648, July 8, 1982; 49 FR 1049, Jan. 9, 1984; 49 FR 7553, Mar. 1, 1984; 49 FR 36360, Sept. 17, 1984; 49 FR 44447, Nov. 7, 1984; 52 FR 4598, Feb. 13, 1987]